

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN, and
SHAUN D. COHEN,

Defendants.

Civil Action No.: 18-CV-5587

Hon. John Z. Lee

Magistrate Judge Young B. Kim

MOTION OF VENTUS MERRILL, LLC TO INTERVENE

Ventus Merrill, LLC, through its attorney, Michael B. Elman & Associates, Ltd., for its Motion to Intervene, filed pursuant to Fed. R. Civ. Pro 24(a), states as follows:

1. On June 11, 2020 the Receiver filed an eighth motion to confirm the sale of certain real estate, identified as 6949-59 South Merrill, 7600-10 South Kingston and 7656-58 South Kingston.

2. On June 23, 2020 Ventus **Holdings**, LLC filed a motion to Intervene, which was granted on July 10, 2020.

3. The contract purchaser for the property located at 6949-59 South Merrill is Ventus **Merrill**, LLC, not Ventus **Holdings**, LLC.

4. Fed. R. Civ. Pro. 24(a)(2) states that *“on timely motion, the court must permit anyone to intervene who: claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.”*

5. Because the contract purchaser for the Merrill property is Ventus Merrill, LLC, it is the proper party to pursue any relief relating to the Merrill property.

6. On October 27, 2020 the Court entered an order allowing Ventus Holdings, LLC to file a motion for return of its earnest money deposit. In connection with the Merrill property, it was Ventus Merrill who made an earnest money deposit.

WHEREFORE, Ventus Merrill, LLC respectfully requests that the Court enter an order:

- A. Granting movant's request to intervene; and
- B. Granting movant leave to file a motion for return of its earnest money deposit relating to the Merrill property.

Dated: November 5, 2020

Respectfully submitted,
VENTUS MERRILL, LLC

/s/ Michael B. Elman
Michael B. Elman

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2020, the undersigned electronically filed this Motion to Intervene with the Clerk of the United States District Court for the Northern District of Illinois, via the CM/ECF system and copies thereof were served to counsel of record via the CM/ECF system.

/s/Michael B. Elman
Michael B. Elman
Attorney for Ventus Merrill, LLC

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